

NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION
FOR THE
RAINWEAR INDUSTRY

AS SUBMITTED ON SEPTEMBER 1, 1933



The Code for the Rainwear Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and *none of the provisions contained therein are*
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry

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UNITED STATES

SUBMITTED BY

NATIONAL RAINWEAR MANUFACTURERS ASSOCIATION

(II)

PROPOSED CODE OF FAIR COMPETITION FOR THE RAINWEAR INDUSTRY SUBMITTED BY NATIONAL RAINWEAR MANUFACTURERS ASSOCIATION

To effectuate the policy of Title I of the National Industrial Recovery Act, during the period of the emergency, by reducing and relieving unemployment, improving the standards of labor, eliminating competitive practices destructive of the interests of the public, employers and employees, and otherwise rehabilitating the rainwear industry the following provisions are established as a code of fair competition for the rainwear industry:

1. DEFINITIONS

The term "effective date" as used herein is defined to be the first Monday following the approval of this code by the President.

The term "persons" as used herein shall include natural persons, partnerships, associations, and corporations.

The term "employer" as used herein shall include every person (whether individual, partnership, association, or corporation) engaged in the production and/or wholesale distribution of raincoats or other articles of rainwear as manufacturer, contractor, wholesale, or jobber.

The term "manufacturing employee" as used herein is defined to mean one who is engaged in the cutting, machine operating, cementing, buttonhole making, and button sewing in any factory in the rainwear industry.

The term "nonmanufacturing employee" as used herein is defined to mean all persons engaged in brushing or cleaning away the threads from finished garments and folding them, or engaged in any other miscellaneous nonmanufacturing process in any factory in the rainwear industry.

The term "apprentice" as used herein is defined to mean any person who has never worked or been employed for at least six weeks in the rainwear industry and is a learner therein.

The term "rainwear industry" as used herein is defined to include those engaged chiefly in the manufacture of men's, women's, children's, and infants' garments made of rubberized, waterproof cloth or oiled fabrics.

2. CHILD LABOR

On and after the effective date, employers in the rainwear industry shall not employ any minor under the age of sixteen (16) years.

3. MAXIMUM HOURS

On and after the effective date, employers in the rainwear industry shall not operate on a schedule of hours of labor for their employees in excess of 40 hours per week. Such work to take place in five days of the week exclusive of Saturday and Sunday. There shall be only one eight-hour shift in any 24 consecutive-hour period. Overtime is expressly prohibited.

4. EXCEPTIONS

This excludes employees on emergency maintenance and repair work, engineering, and research staffs, those occupying executive or managerial positions, foremen, outside sales staffs, plant watchmen, firemen, engineers, shipping forces, and porters. The above exclusions together with workers in special cases where restrictions of hours on continuous processes would unavoidably reduce production or cause spoilage shall be paid time and one third for hours worked in excess of the maximum. The above provisions as they involve overtime shall not apply to anyone receiving \$30.00 or more per week.

5. MINIMUM WAGES OF EMPLOYEES

On and after the effective date, the minimum wage that shall be paid by employers of the rainwear industry to their manufacturing employees shall be the following:

	Per hour
Cutters-----	\$0. 60
Cementers—Female-----	. 40
Male-----	. 50
Operators—Female-----	. 35
Male-----	. 40

On and after the effective date the minimum wage that shall be paid by employers in the rainwear industry except as hereinafter provided for apprentices shall be at the rate of \$13.00 per week when employed for forty (40) hours of labor.

6. MINIMUM WAGES AND TIME LIMITATION FOR APPRENTICES

On and after the effective date, the minimum wage that shall be paid by employers in the rainwear industry to apprentices or learners shall be at the rate of \$10.00 per week when employed for forty (40) hours of labor; provided, however, that such apprentices or learners shall not be paid less than the piecework rate paid to experienced workers. The period of apprenticeship for employees shall be limited to six weeks.

7. EMPLOYER

On and after the effective date, no employer or officer of any firm, association, or corporation, engaged in the rainwear industry shall, directly or indirectly, work in his own factory as operator or cementer.

8. LABOR

Employees in this industry shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in any other concerted activities for the purpose of collective bargaining or other mutual aid or protection. No employees and no one seeking employment shall be required, as a condition of employment, to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing. Employers in this industry shall comply with the maxi-

mum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

All processing and manufacturing shall be done exclusively on the premises and in the factories or shops of persons operating under this code as hereinafter provided, and no part of such processing or manufacturing shall be done in the homes of employees.

No work shall be done or permitted in tenement houses, basements, or in any unsanitary building or buildings unsafe on account of fire risks.

9. ADMINISTRATION

The responsibility for the administration and enforcement of this Code shall be vested in a Rainwear Code Authority under the supervision of the Rubber Manufacturers Association.

The National Rainwear Manufacturers Association shall select, as members of the Rainwear Code Authority, one representative from the Oil Branch Industry, two from the Midwestern Manufacturers, two from New England and two from New York.

Headquarters of the Rainwear Code Authority shall be at the offices of the Rubber Manufacturers Association, 250 West 57th Street, New York City, and meetings of the Rainwear Code Authority shall be held at the headquarters office. Two-thirds of the Rainwear Code Authority shall constitute a quorum, and a majority of a quorum of the Rainwear Code Authority must be had before any decision on any matter shall be determined to have been acted upon.

The Rainwear Code Authority is expressly authorized to deputize its representatives to aid and perform such acts as may be necessary to carry into effect the provisions, purposes, and intent of this Code as effectuating the policy and purposes of the National Industrial Recovery Act under the supervision of the Rubber Manufacturers Association.

The Rubber Manufacturers Association shall have power to examine all books of accounts and records of employers so far as may be necessary to determine whether such employers are observing the provisions of this Code and to the extent of this necessity all employers are hereby required to submit their books and records for such examination as may be necessary under this provision.

The expense of administering this Code shall be borne by all adherents to this Code and all other employers in the industry in such proportion and amounts and in such manner as may be determined by the Rainwear Code Authority, provided that the basis of prorating such costs shall be equitable and uniform as to all persons in the Rainwear Industry and that no discriminations be made in the establishment of such rules and regulations under the supervision of the Rubber Manufacturers Association.

10. GENERAL PROVISIONS AS TO COMPETITIVE PRACTICES

1. *Terms and Discounts.*—All terms shall be F.O.B. factory. The maximum cash discount shall not exceed 8% 10th proximo E.O.M. No other discounts whatsoever nor any rebates shall be given to any buyers, buying offices, or other customers.

2. *Selling on Consignment.*—No merchandise shall be shipped on memorandum or on consignment for sale.

3. *Gratuities.*—The giving of gratuities or gifts to buyers, or their agents, whether in form of money, goods, or privileges is expressly prohibited.

4. *Standard Sizes.*—The following shall be the standard sizes in the rainwear industry:

Infants, 2-6; Girls, 6-16; Boys, 6-16 (18-20, at 10% extra); Misses, 14-20; Ladies, 34-44 (46-52, at not less than 50¢ extra); Mens, 34-46 (48-52, at not less than 50¢ extra).

5. *Return of Merchandise.*—The unjust return of merchandise constitutes one of the greatest evils in the industry. It involves an enormous loss and waste due to cost of resale, cost of reshipment, damage incident to transportation, and absence of merchandise from stock at a time when it might readily be disposed of. It is, therefore, agreed that no merchandise purchased and shipped in good faith and in accordance with the buyer's specifications may be returned for credit by any purchaser or if returned such merchandise shall not be accepted for credit if the same was retained by the purchaser for more than five days.

11. INVOICES

No order shall be accepted without stipulating the sale price and date of shipment. No sale shall be made by any member upon any other terms except as expressly set forth in the order contract of sale or the invoice pertaining to such sale.

12. ADVERTISING

Allowances or discounts for advertising or for payment for space in newspapers, magazines, guides, or directories on behalf of any retailer to be used in promoting the sale of merchandise to the consumer is prohibited. The supplying of cuts, matrices, and window cards shall, however, not be included in such prohibition.

Prison.—No merchandise shall be manufactured for any member in any prison, prison camp, penitentiary, or reformatory.

Style Piracy.—Style and design piracy is declared to be an unfair trade practice and an unfair method of competition and is prohibited.

13. LICENSING

1. Recognizing that the stability of the rainwear industry and ability to carry into effect the purpose and content of the National Industrial Recovery Act depends entirely upon complete cooperation of all those engaged in the rainwear industry and with a view to effectuating such complete stabilization, all manufacturers who are members of the National Rainwear Manufacturers Association shall by virtue of their membership therein be deemed collectively to have been licensed to do business in this industry under this code.

2. All employees engaged in the rainwear industry and employers of the National Rainwear Manufacturers Association shall, promptly following the effective date of this code, obtain and procure from the administration, subject to the approval of the governing board, a license or permit to engage or continue in business, shall be conditioned upon the obligation of the licensee to comply with all and

every one of the provisions of this code and the amendments thereof and such current and further regulations as may be prescribed by the governing board.

14.

The National Rainwear Manufacturers Association shall impose no inequitable restrictions or admission to membership therein.

This code is not designed to promote and shall not be construed to permit monopolies or monopolistic practices; nor is it designed to eliminate or oppress small enterprises, and it shall not operate to discriminate against them, but shall seek only to effectuate the policy of Title 1 of the National Industrial Recovery Act.

15.

It is recognized that in the Eastern and Western areas the methods employed to a very large extent in the production of rainwear necessitates the employment of contractors. Accordingly all firms engaged in the Rainwear industry who cause their garments thus to be made by contractors as aforesaid, shall designate the contractors actually required; shall confine and distribute their work equitably to and among them and shall adhere to the payment of wages for such production in any amount sufficient to enable the contractors to pay the employees the wages and earnings provided for in this code together with an allowance for the contractor's overhead.

16. CANCELLATION OR MODIFICATION

Supplements, amendments, and additions to this code may from time to time be submitted for approval of the President of the United States. The President of the United States may from time to time cancel or modify any order, rule, or regulation issued hereunder.

In the event any provision of this code shall be disapproved or held invalid, such action shall in no way affect any other provision thereof.



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